

**REMARKS**

The abstract and specification have been amended in order to correct grammatical and idiomatic errors contained therein. The undersigned hereby certifies, to the best of his knowledge and belief, that the enclosed substitute abstract and specification do not contain any new matter.

Claims 1-6 and 9 have been rejected under 35 USC 112, second paragraph, for being indefinite. In response to this rejection, Claims 1-6 and 9 have been canceled and replaced by newly presented Claims 11-14 which more particularly point out and distinctly claim the subject matter which Applicants regard as the invention and are cured of all formal defects. No new matter has been added.

Claims 1-3 have been rejected under 35 USC 102(b) as being anticipated by Itoh et al. Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over Itoh et al in view of Morrill and Kamiya. Claim 5 has been rejected under 35 USC 102(b) as being anticipated by, or, in the alternative, under 35 USC 103(a) as being obvious over Itoh et al. Claims 6 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Zimmerman in view of Itoh and further in view of Kamiya. Applicants respectfully traverse these grounds of rejection and urge reconsideration in light of the following comments.

The presently claimed invention is directed to an extrusion molded foamed cosmetic sponge puff which comprises a body obtained by subjecting a compounded rubber to extrusion molding to form a molded rubber having a given shape, heating the molded rubber to cause vulcanization or crosslinking therein and stamping and/or cutting the vulcanized or crosslinked rubber into a foamed cosmetic sponge puff of a given shape. The body comprises an NBR polymer, an organic peroxide, a blowing agent, 1 to 100 parts by weight of a synthetic silicic acid and 10 to 200 parts by weight of a precipitated calcium carbonate having a prismatic particle

shape, the parts by weight being based on 100 parts by weight of the NBR polymer.

The present invention provides an extrusion molded cosmetic sponge puff in which the fundamental shape of the sponge puff can be changed without the use of a number of die molds and only by changing the caps (mouthpieces) of the extruder. As such, it can reduce the forming steps necessary in producing the cosmetic sponge puff and improve the productivity thereof. This results in a cosmetic sponge puff having a lower price as compared with those produced by a die mold. It is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

The Itoh et al reference discloses a rubber composition formed by extrusion molding and is used to produce rubber belts, rubber rolls, gaskets, packing, rubber hoses and the like. The present invention requires that the cosmetic sponge puff be foamed. There is no disclosure of a foamed rubber composition in Itoh et al. As such, the presently claimed invention clearly is distinguishable thereover.

The Kamiya reference discloses an acrylonitrile resin composition having superior alcohol resistance, impact strength, transparency and gas-permeability. This resin composition is disclosed as being used for packaging films, receptacles for carbonated drinks, alcoholic drinks, foods and cosmetics. As with the previously discussed reference, there is no disclosure in this reference regarding a foamed composition. Therefore, the presently claimed invention clearly is patentably distinguishable over this reference.

The Zimmerman reference discloses a foamed rubber used as a cosmetic pad. There is no disclosure in this reference regarding the foamed pad being made by extrusion molding. Moreover, this reference also does not disclose the foamed rubber composition being made of the components required in the presently claimed invention. Since none of the previously cited references deal with foamed rubber compositions, one of

ordinary skill in the art would not attempt to combine the disclosure regarding the components of these non-foamed compositions with the foamed composition of Zimmerman et al. As such, it is respectfully submitted that the presently claimed invention is patentably distinguishable over Zimmerman in combination with the previously discussed references.

The Morrill reference has a generic disclosure with respect to NBR technology but contains no teachings that would motivate one of ordinary skill in the art to utilize the components contained in the non-foamed rubber compositions of Itoh and Kamiya with the foamed rubber composition of Zimmerman. Therefore, this reference in combination with the previously discussed references does not even present a showing of prima facie obviousness under 35 USC 103(a) with respect to the presently claimed invention.

Although the Examiner has not made a showing of prima facie obviousness under 35 USC 103(a) of the presently claimed invention, objective evidence is of record in the present application which is more than sufficient to establish the patentability of the presently claimed invention.

On pages 20-25 of the present specification, numerous Examples of the present invention and Comparative Examples are presented which show that the foamed cosmetic sponge puff composition of the present invention has superior properties with respect to comparative sponge puff compositions falling within the scope of the Zimmerman reference. This is clearly unexpected in light of the prior art cited by the Examiner and establishes the patentability of the presently claimed invention thereover. The Examiner has permission to cancel the claims directed to the non-elected invention upon allowance of the claims directed to the elected invention.

The Examiner is respectfully requested to reconsider the present application and to pass it to issue.

Respectfully submitted,

  
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